

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID LEIDERMAN, ERIC THIBODO,
EVAN BOWEN, DAVID KYLE BOESE,
ADAM ROSS BREGMAN, GABRIEL R.
COLINDRES, JUSTIN GARRINGER,
MICHAEL GARRINGER, RICHARD
WESLEY MARSHALL, TYLER JOHN
WITTEMAN, MICHAEL J. KONIOR, ERIC
CHA, and CHRIS SCHMITT,

Defendants.

8:23CR86

THIRD SUPERSEDING INDICTMENT

18 U.S.C. § 2
18 U.S.C. § 982(a)(1) & (b)(1)
18 U.S.C. § 1956(a)(1)(B)(i)-(ii)
21 U.S.C. §§ 841(a)(1) & (b)(1)
21 U.S.C. § 846
21 U.S.C. § 853(a)(1) & (a)(2)
21 U.S.C. § 853(p)
28 U.S.C. § 2461(c)

The Grand Jury charges that:

COUNT I

From an unknown date but at least as early as January 1, 2000, and continuing to August 31, 2021, in the District of Nebraska and elsewhere, the defendants DAVID LEIDERMAN, ERIC THIBODO, EVAN BOWEN, DAVID KYLE BOESE, ADAM ROSS BREGMAN, GABRIEL R. COLINDRES, JUSTIN GARRINGER, MICHAEL GARRINGER, RICHARD WESLEY MARSHALL, TYLER JOHN WITTEMAN, MICHAEL J. KONIOR, ERIC CHA, and CHRIS SCHMITT, knowingly and intentionally combined, conspired, confederated and agreed with each other, and with other persons known and unknown to the Grand Jury, to commit the following offense against the United States: to distribute and possess with intent to distribute 1000 kilograms or more of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, and a mixture, compound and preparation containing tetrahydrocannabinol ("THC"), its salts, isomers, and salts of isomers, contained in

distillate a/k/a hashish oil and contained in “wax” a/k/a “shatter,” a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1).

In violation of Title 21, United States Code, Section 846.

COUNT II

From an unknown date but at least as early as August 1, 2014, and continuing to August 31, 2021, in the District of Nebraska and elsewhere, the defendants DAVID LEIDERMAN, ERIC THIBODO, EVAN BOWEN, DAVID KYLE BOESE, ADAM ROSS BREGMAN, GABRIEL R. COLINDRES, JUSTIN GARRINGER, MICHAEL GARRINGER, RICHARD WESLEY MARSHALL, TYLER JOHN WITTEMAN, MICHAEL J. KONIOR, ERIC CHA, and CHRIS SCHMITT, did knowingly conduct, attempt to conduct, and cause to be conducted, financial transactions affecting interstate commerce which involved the proceeds of a specified unlawful activity, that is: Distribution and Conspiracy to Distribute and Possess with Intent to Distribute Marijuana and THC, its salts, isomers, and salts of isomers, in violation of Title 21, United States Code, Sections 841 and 846, knowing that the transactions were designed in whole and in part to conceal and disguise the nature, location and source of the proceeds of said specified unlawful activity, and that while conducting and attempting to conduct such financial transaction knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity.

In violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

COUNT III

From an unknown date but at least as early as August 1, 2014, and continuing to August 31, 2021, in the District of Nebraska and elsewhere, the defendants DAVID LEIDERMAN, ERIC THIBODO, EVAN BOWEN, DAVID KYLE BOESE, ADAM ROSS BREGMAN, GABRIEL R. COLINDRES, JUSTIN GARRINGER, MICHAEL GARRINGER, RICHARD

WESLEY MARSHALL, TYLER JOHN WITTEMAN, MICHAEL J. KONIOR, ERIC CHA, and CHRIS SCHMITT, together and with others known and unknown to the Grand Jury, knowingly combined, conspired, and confederated and agreed among themselves and each other to commit the following offense against the United States in violation of Title 18, United States Code, Section 1956 as follows: to conduct and attempt to conduct a financial transaction affecting interstate commerce, which transaction involved the proceeds of specified unlawful activities, that is: Distribution and Conspiracy to Distribute and Possess with Intent to Distribute Marijuana and THC, its salts, isomers, and salts of isomers, in violation of Title 21, United States Code, Sections 841 and 846, (1) knowing the transaction was designed in whole or in part to conceal and disguise the nature, location, source, ownership and control of the proceeds of said specified unlawful activity and (2) knowing the transaction was designed in whole or in part to avoid a transaction reporting requirement under State or Federal law, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i) and 1956(a)(1)(B)(ii).

All in violation of Title 18, United States Code, Section 1956(h), and 2.

FORFEITURE ALLEGATION

1. The allegations contained in Counts I-III of this Superseding Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853 and pursuant to Title 18, United States Code, Section 982(a)(1).

2. Pursuant to Title 21, United States Code, Section 853, upon conviction of an offense in violation of Title 21, United States Code, Section 846, Defendants DAVID LEIDERMAN, ERIC THIBODO, EVAN BOWEN, DAVID KYLE BOESE, ADAM ROSS BREGMAN, GABRIEL R. COLINDRES, JUSTIN GARRINGER, MICHAEL GARRINGER, RICHARD WESLEY MARSHALL, TYLER JOHN WITTEMAN, MICHAEL J. KONIOR, ERIC CHA,

and CHRIS SCHMITT, shall forfeit to the United States of America any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense. In addition, pursuant to Title 18, United States Code, Section 982(a)(1), upon conviction of an offense in violation of Title 18, United States Code, Section 1956, the defendants, DAVID LEIDERMAN, ERIC THIBODO, EVAN BOWEN, DAVID KYLE BOESE, ADAM ROSS BREGMAN, GABRIEL R. COLINDRES, JUSTIN GARRINGER, MICHAEL GARRINGER, RICHARD WESLEY MARSHALL, TYLER JOHN WITTEMAN, MICHAEL J. KONIOR, ERIC CHA, and CHRIS SCHMITT, shall forfeit to the United States of America any property, real or personal, involved in such offense, and any property traceable to such property.

3. The property to be forfeited includes, but is not limited to:

- a. U.S. funds in the amount of \$459,314.59 seized August 31, 2023, from City National Bank account 101388425 owned by Gerald V. Casale, Trustee of the Gerald V. Casale Trust.
- b. U.S. funds in the amount of \$121,071.62 seized August 31, 2023, from City National Bank account 112559124 belonging to More Gold Records, owned by Gerald V. Casale.
- c. U.S. funds in the amount of \$2,033,094.98 seized November 3, 2023, from JP morgan Chase Account, account #556772583 in the name of Closet Dorr LLC, C/O of Gina Nieto this represents the net proceeds of the sale of 428 N Las Palmas Avenue, Los Angeles.
- d. Real property located at Mendocino County, California, Parcel # 131-010-08, no address.
- e. Real property located at Mendocino County, California, Parcel # 131-030-01, 10000 S Hwy 1 Elk, California.
- f. Real property located at Mendocino County, California, Parcel # 131-030-03, 9980 S Hwy 1 Elk, California.

- g. Real property located at Mendocino County, California, Parcel # 131-030-05, no address.
- h. Real property located at Mendocino County, California, Parcel # 131-030-06, no address.
- i. Real property located at Mendocino County, California, Parcel # 131-030-08, 9961 S Hwy 1 Elk, California.
- j. Real property located at Mendocino County, California, Parcel # 131-030-23, 10001 S Hwy 1 Elk, California.
- k. Real property located at Mendocino County, California, Parcel # 131-030-24, no address.
- l. Real property located at Mendocino County, California, Parcel # 131-030-25, no address.
- m. Real property located at Mendocino County, California, Parcel # 131-030-31, no address.
- n. Real property located at Mendocino County, California, Parcel # 131-030-32, 8821 S Hwy 1 Elk, California.
- o. Real property located at Mendocino County, California, Parcel # 131-030-33, 8821 S Hwy 1 Elk, California.
- p. Real property located at Mendocino County, California, Parcel # 131-090-24, 9201 S Hwy 1 Elk, California.
- q. Real property located at Napa County, California, Parcel # 052-472-021, 51 Syar Drive, Napa, California.
- r. Real property located at Marin County, California, Parcel # 007-096-02, 259 Redwood Road, San Anselmo, California.
- s. Real property located at Marin County, California, Parcel # 100-090-07, 2125 Dillion Beach Road, Tomales, California.
- t. Real property located at Los Angeles County, California, Parcel # 5021-006-023, 816 Seward Street, Los Angeles, California.
- u. \$4,698,514.00 in United States Currency.
- v. \$630,680.00 in United States Currency.

- w. \$205,358.00 in Funds Seized from Rago Wright Account.
- x. KAWS “Close the Door Behind You” Painting.
- y. Andy Warhol Apple Painting.
- z. Rolex Daytona Chronograph Watch.
- aa. Platinum and Diamond 3 Stone Ring.
- bb. Art Smith Modernist Brass Necklace.
- cc. Art Smith Modernist Brass and Copper Cuff Bracelet.
- dd. Set of East Indian Laurel Wood Dining Chairs.
- ee. East Indian Laurel Wood Dining Table.
- ff. George Nakashima American Black Walnut Coffee Table.
- gg. Pair of Mira Nakashima Grajalas Nightstands.
- hh. Arthur Espenet Carpenter II Cabinets.
- ii. Arthur Espenet Carpenter II Headboard.
- jj. Arthur Espenet Carpenter II Mushroom Chest.
- kk. Jean Prouvé Sideboard.
- ll. JD Blunk Redword Sculpture.
- mm. Isamu Noguchi Messenger 2B Bronze Plate.
- nn. Perre Jeanneret Teak and Enameled Steel Stools.
- oo. Costa Rican Ceremonial Volcanic Stone Metate.
- pp. Axel Einar Hjorth Uto Coffee Table.
- qq. Blue Nazca Textile.
- rr. Isamu Nogushi “Rudder” stool.
- ss. Arthur Espenet Carpenter II Bookshelf Cabinets.

tt. Massim Lime Spatula.

uu. Olmec Stone Figure.

vv. **Money Judgment.** Judgment against Defendants DAVID LEIDERMAN, ERIC THIBODO, EVAN BOWEN, DAVID KYLE BOESE, ADAM ROSS BREGMAN, GABRIEL R. COLINDRES, JUSTIN GARRINGER, MICHAEL GARRINGER, RICHARD WESLEY MARSHALL, TYLER JOHN WITTEMAN, MICHAEL J. KONIOR, ERIC CHA, and CHRIS SCHMITT, for a sum of money equal to the value of the property constituting, or derived from, any proceeds Defendants obtained directly or indirectly as a result of the offenses alleged in Counts II and/or III of this Superseding Indictment, and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Counts II and/or III of this Superseding Indictment, in the approximate amount of \$250,000,000.

4. If any of the property described above, as a result of any act or omission of

Defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c).

In violation of Title 18, United States Code, Section 982(a)(1) and Title 21, United States

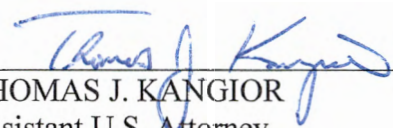
SEALED

Code, Section 853(a)(1) and (a)(2).

A TRUE BILL.


FOREPERSON

The United States of America requests that trial of this case be held in Omaha, Nebraska,
pursuant to the rules of this Court.


THOMAS J. KANGIOR
Assistant U.S. Attorney